

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>IN re: Bayou Hedge Fund Investment Litigation</b>	:	<b>06 MDL 1755 (CM)</b>
	x	
	:	
<b>This Document Relates To:</b>	:	
	:	
<b>BROAD-BUSSEL FAMILY LIMITED</b>	:	<b>06 cv 3026 (CM)</b>
<b>PARTNERSHIP, ET AL.,</b>	:	
<b>Individually and on Behalf of All Other Persons</b>	:	
<b>and Entities Similarly Situated,</b>	:	
<b>Plaintiffs,</b>	:	
<b>v.</b>	:	
	:	
<b>BAYOU GROUP, LLC, ET AL.,</b>	:	
<b>Defendants.</b>	:	
	x	
<b>BROAD-BUSSEL FAMILY LIMITED</b>	:	
<b>PARTNERSHIP, ET AL.,Individually and on</b>	:	
<b>Behalf of All Other Persons and Entities</b>	:	
<b>Similarly Situated,</b>	:	<b>07 cv 2026 (CM)</b>
<b>Plaintiffs,</b>	:	
<b>v.</b>	:	<b>ELECTRONICALLY</b>
	:	<b>FILED</b>
<b>HENNESSEE GROUP, LLC, Et Al.,</b>	:	
<b>Defendants.</b>	:	
	:	
	:	
	x	<b>September 28, 2007</b>

**DEFENDANTS' EQYTY RESEARCH AND MANAGEMENT, LLC, EQYTY  
RESEARCH AND MANAGEMENT LTD AND JEFFREY D. FOTTA'S  
MEMORANDUM IN SUPPORT OF BROAD-BUSSEL PLAINTIFFS' MOTIONS FOR  
CLASS CERTIFICATION**

The Defendants Eqyty Research and Management, LLC, Eqyty Research and Management, LTD and Jeffrey D. Fotta (hereinafter referred to collectively as the "Eqyty Defendants") submit this memorandum in support of and consenting to the Broad-Bussel



plaintiff's Motions for Class Certification filed July 16, 2007. The Eqty defendants understand that plaintiffs seek to certify a class consisting of all investors who, during the period December 31, 1996 through August 25, 2005, purchased or maintained investments in any Bayou-related hedge funds, as well as a subclass of those class members who were advised to invest in Bayou by the Hennessee defendants.

Although the Eqty defendants deny the allegations against them as set forth in plaintiff's Amended Complaint, they have reviewed the arguments and evidence accompanying plaintiffs' Motions for Class Certification, and independently have researched the relevant caselaw. Based on the foregoing, and again while denying any liability, the Eqty defendants recognize and believe that the claims asserted by the plaintiffs in the Amended Complaint are typical of claims that might otherwise be brought by other similarly situated investors in the Bayou Funds. Accordingly, The Eqty defendants respectfully submit that class certification of the claims in this litigation would serve both the interests of judicial economy and the conservation of the Eqty Defendants' resources in defending against and resolving all claims against them.

The Eqty defendants further note that they are in the process of negotiating a settlement for the benefit of the proposed class and such process would be aided by certification of the proposed class. Any such settlement would be presented to the Court for its approval in accordance with Rule 23 of the Federal Rules of Civil Procedure.



**WHEREFORE**, the Eqyty Defendants hereby notify the Court that they support and consent to the certification of the class and subclass as to the allegations against them.

Dated: September 28, 2007  
New Haven, CT

THE DEFENDANTS,  
JEFFREY D. FOTTA, EQYTY RESEARCH  
ANDMANAGEMENT, LLC and EQYTY RESEARCH AND  
MANAGEMENT LTD

BY: /s/ Howard K. Levine  
Howard K. Levine (HL9844)  
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*Their Attorney*



**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2007, a copy of the foregoing:

**DEFENDANTS EQYTY RESEARCH AND MANAGEMENT, LLC, EQYTY  
RESEARCH AND MANAGEMENT LTD AND JEFFREY D. FOTTA'S  
MEMORANDUM IN SUPPORT OF BROAD-BUSSEL PLAINTIFFS'  
MOTIONS FOR CLASS CERTIFICATION**

was filed electronically [and served by mail on anyone unable to accept electronic filing]. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

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/s/ Howard K. Levine  
Howard K. Levine